



State of Arizona
Janet Napolitano – Governor

Arizona State Board of Massage Therapy

"Protecting the Public's Health"

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De Mario Vaughn, LMT; Nancy Gath, Public Member; Daniel Pozefsky, Public Member
Dennis Beye, LMT, Susan Pomfret, LMT, Craig Runbeck, NMD, Executive Director

Minutes BOARD MEETING

September 24, 2007 10:00 a.m.
1400 West Washington St, B1
Phoenix, AZ 85007

1. **Call to Order by Presiding Officer**

Mr. Pozefsky, Chair called the meeting to order at 10:11am.

- A. Roll call of Board members was done to establish a quorum to conduct the meeting.

Board Members present: Daniel Pozefsky, Chair and Public Member
Susan Pomfret, LMT
Nancy Gath, Public Member
Dennis Beye, Vice Chair, LMT
De Mario R. Vaughn, LMT

- C. Acknowledgement of presence of Board staff and legal counsel.

Assistant Attorney General: Michelle Wood

Board Staff: Dr. Craig Runbeck, Executive Director
Robert Wilson, Deputy Director
Dee Doyle, Licensing Administrator

2. **Call to the Public**

Mr. Pozefsky, gave a call to the public at 10:12 am

No public addressed the board.

3. **Discussion, Consideration and Possible Action of Consent Agenda** *(Any item under consent may be removed for independent discussion and action by a Board Member.)*

- A. Approval of Minutes: July 23, 2007 board meeting
B. Approval of Massage Therapy Application(s) August and September 215

MOTION: Mr. Beye moved to approve the consent agenda as listed above, Ms. Pomfret seconded the motion.

VOTE: The Motion Passed 5 ayes, 0 no

4. **Discussion, Consideration and Possible Action of Regulatory Matters**

- A. Board Review –
5. Paul Hykes – 06-139 Initial Review

Mr. Hykes was present to answer questions from the Board regarding this complaint. The Board asked questions of Mr. Hykes to which he responded.

Ms. AP the complainant was also present to state her complaint for the board. The Board asked Ms. AP questions regarding this complaint to which she responded.

Mr. Wilson summarized this case for the board.

MOTION: Ms. Pomfret moved to go into executive session to obtain legal advice, Ms. Gath seconded the motion.

VOTE: The motion passed 5 ayes, 0 no

The Board convened Executive Session to obtain legal advice at 10:48am

The Board returned to Regular Session at 10:53 am

Mr. Pozefsky asked Mr. Hykes if he was still willing to take a polygraph test, Mr. Hykes stated he would be willing to take one. Board staff will provide Mr. Hykes a list of independent polygraph companies to pick from.

MOTION: Mr. Beye moved to have Mr. Hykes schedule a polygraph test within fifteen days and complete within forty five days. To be brought before the Board with the test results at the November 24, 2007 board meeting. Ms. Pomfret seconded the motion.

MOTION: Mr. Beye moved to go into executive session; Ms. Pomfret moved to second the motion.

VOTE: The motion passed 5 ayes, 0 no

The Board convened Executive Session to obtain legal advice at 11:25am

The Board returned to Regular Session at 11:30 am

AMENDED MOTION: Mr. Beye amended his motion to include Mr. Hykes voluntarily restrict his practice to male clients only until this matter is resolved, Ms. Pomfret amended her second.

VOTE: The motion passed 4 ayes, Ms. Gath voted no

1. Holly From – Consent Agreement review

Ms. From was not present at the board meeting.

Ms. Doyle summarized this case for the board. Ms. From was offered a consent agreement with two years probation, six hours of Ethic training continuing education and a civil penalty of \$500 in order to be licensed in Arizona. Ms. From paid the civil fine and completed the six hours of continuing education and signed the consent agreement.

MOTION: Mr. Beye moved to accept the signed consent agreement as written for Ms. From, Ms. Gath seconded the motion.

VOTE: The motion passed 5 ayes, 0 no

The Board recessed at 11:35 am

The Board returned to regular session at 11:40 am

2. Robert Hagood, initial application review

Mr. Hagood was present to answer questions from the Board.

Ms. Doyle summarized this application review for the Board. Mr. Hagood answered yes to question #29 on his application for licensure. Mr. Hagood had disciplinary action taken against his Certified Nursing Assistant license from the Arizona State Board of Nursing in 2005. The discipline was for sub standard patient care.

The Board asked Mr. Hagood questions to which he responded.

MOTION: Ma. Pomfret moved to approve Mr. Hagood application for licensure, Ms. Gath seconded the motion.

VOTE: The motion passed 5 ayes, 0 no

3. Shu Huang, initial application review

Ms. Huang was not present at the board meeting however she was represented by Mr. Lamb Attorney at Law. Ms. Doyle summarized this application for licensure for the board. Ms. Huang answered yes to question 21 on her application for licensure and stated in part, "I was found guilty of prostitution and criminal conspiracy on 9/21/05." Then on 4/10/06 her attorney asked for a re-trial of the case. She was acquitted of all charges.

The Board convened Executive Session to obtain legal advice at 11:55am
The Board returned to Regular Session at 12:12 pm

Mr. Lamb stated that the Board had not received two copies of court documents that were needed for this case.

Mr. Pozefsky TABLED this matter so that the documents could be obtained. This matter will be brought before the Board at the November 24, 2007 meeting.

6. Hannah Cole – 07-102 Initial Review

Ms. Cole was present to answer questions from the Board regarding this complaint. The complainant was not present.

Mr. Wilson summarized this case for the Board. The complainant stated Ms. Cole had made wrong contact with him while giving him a massage, he stated she had taken a payment of beads in the place of money for the massage.

Discussion was made by the Board as to the way of handling clients and payments.

MOTION: Mr. Beye moved to dismiss this complaint against Ms. Cole, Ms. Gath seconded the motion.

VOTE: The motion failed 3 no, Mr. Vaughn, Ms. Pomfret and Mr. Pozefsky, 2 yes Ms. Gath and Mr. Beye.

2nd MOTION: Ms. Pomfret moved to have Ms. Cole complete a six hour ethics course and upon submission of a certification showing completion this complaint will be dismissed, Mr. Beye seconded the motion.

2nd VOTE: The motion passed 3 yes, Mr. Vaughn, Ms. Pomfret and Mr. Pozefsky and 2 no, Ms. Gath and Mr. Beye.

MOTION: Mr. Beye moved to go into Executive Session to obtain legal advice, Ms. Pomfret seconded the motion.

VOTE: The motion passed 5 yes, 0 no

The Board convened Executive Session to obtain legal advice at 12:45am
The Board returned to Regular Session at 12:56 pm

4. Eric Morgan, initial application review Executive Session for legal advice
Mr. Morgan was not present to address the board.

Ms. Doyle summarized this application for licensure for the board. The Board reviewed the application for licensure and asked for a substantive review to obtain the police report regarding the assault charge on Mr. Morgan's background.

This matter was **TABLED** to obtain substantive information.

5. Discussion and Consideration and Possible Action on Administrative Matters

A. Massage license status report

Dr. Runbeck updated the board on the license status to date.

Active licensee's	8,765	Closed expired/withdrawn	121	Revoked	4
Denied	18	Pending	144	Suspended	2
Voluntarily Surrendered	3	Total application received	10,136		

Renewed - 2,980

Renewals Expired – 1,079

- B. Subcommittee on Continuing Education to convene directly after the board meeting.
 - 1. Whether or not the current laws and rules, meet the needs of the profession, the individual therapist and the public. Topics include but are not limited to: what is considered acceptable CE, verification of CE, and carry forward of CE.

Mr. Wilson and Ms. Pomfret dismissed the committee meeting due to a lack of a quorum.

Ms. Gath left the meeting at 1:06 pm.

C. Board direction for reciprocity parameters regarding what is to be “substantially equivalent”.
Dr. Runbeck suggested he draft a policy and bring it back to the Board at the November 26, 2007 board meeting.

D. Board direction on distance learning: Should the staff accept online classes, for all aspects of Massage except for hands on exercises, as legitimate hours toward a license. Calls have come in to ask our position on this concept.

Mr. Pozefsky **TABLED** this matter until the next board meeting.

Mr. Vaughn left the meeting at 1:15 pm.

6. Discussion, Consideration and Possible Action on Correspondence

- A. Correspondence received from Mara Concordia LMT, regarding CE requirements
- B. Correspondence received from Patrick Shannahan, Ombudsman/Citizens' Aide, and Response from Dr. Craig Runbeck

Dr. Runbeck was directed to draft a response to Mr. Shannahan regarding this correspondence.

The next scheduled meeting is November 26, 2007

The meeting was adjourned at 1:23 pm

ADJOURNMENT



Arizona Board of Massage Therapy

November 30, 2007

Date